

1 JONATHAN W. CARLSON, ESQ.
Nevada Bar No. 10536
2 *jcarlson@mbswc.com*
PAMELA L. MCGAHA, ESQ.
3 Nevada Bar No. 8181
pmcgaha@mbswc.com
4 MANDY VOGEL, ESQ.
Nevada Bar No. 16150
5 *mvogel@mbswc.com*
McCORMICK, BARSTOW, SHEPPARD,
6 WAYTE & CARRUTH LLP
8337 West Sunset Road, Suite 350
7 Las Vegas, NV 89113
Telephone: (702) 949-1100
8 Facsimile: (702) 949-1101

9 CARY B. LERMAN, ESQ.
California Bar No. 54937 (*admitted pro hac vice*)
10 *cary.lerman@mto.com*
MUNGER, TOLLES & OLSON LLP
11 350 South Grand Ave, 50th Floor
Los Angeles, CA 90071
12 Telephone: (213) 683-9100

13 J. MAX ROSEN, ESQ.
California Bar No. 310789 (*admitted pro hac vice*)
14 *max.rosen@mto.com*
MUNGER, TOLLES & OLSON LLP
15 560 Mission Street, 27th Floor
San Francisco, CA 94105
16 Telephone: (415) 512-4000

17 Attorneys for Defendant GEICO CHOICE
INSURANCE COMPANY

18 UNITED STATES DISTRICT COURT

19 DISTRICT OF NEVADA

20 WILLIE WORTHAMS,

21 Plaintiff,

22 v.

23 GEICO CHOICE INSURANCE COMPANY,
24 a foreign entity; LEWIS BRISBOIS
BISGAARD & SMITH, LLP, a foreign limited
25 liability partnership; LEWIS ROCA
ROTHGERBER, CHRISTIE, LLP, a foreign
26 limited liability partnership; DOES I through X,
inclusive; and ROE CORPORATIONS I
27 through V, inclusive,

28 Defendants.

CASE NO. 2:24-cv-23-RFB-NJK

JOINT MOTION FOR A 30-DAY
CONTINUANCE OF FACT DISCOVERY
CUT-OFF TO FACILITATE FACT
DEPOSITION SCHEDULING
CONFLICTS (SECOND DISCOVERY
EXTENSION REQUEST)

JOINT MOTION FOR A 30-DAY
CONTINUANCE OF FACT DISCOVERY
CUT-OFF TO FACILITATE FACT
DEPOSITION SCHEDULING CONFLICTS
(SECOND DISCOVERY EXTENSION
REQUEST)
CASE NO. 2:24-cv-23-RFB-NJK

1 Defendant GEICO CHOICE INSURANCE COMPANY (“GEICO”), by and through its
2 attorneys of record of the law firms McCORMICK, BARSTOW, SHEPPARD, WAYTE &
3 CARRUTH LLP and MUNGER, TOLLES & OLSON LLP, and Plaintiff WILLIE WORTHAMS
4 (“Plaintiff”), by and through his attorneys of record of the BOWEN LAW OFFICES, hereby jointly
5 move to extend the discovery deadline for only thirty (30) days, to accommodate scheduling issues
6 that have arisen with regard to fact depositions in this case.¹ Specifically, the parties request a 30-
7 day extension of the current deadline of December 30, 2024 for the close of discovery, and
8 corresponding 30-day extensions of the dispositive motions deadline of February 12, 2025 and the
9 joint pre-trial order deadline of March 17, 2025. In accordance with Local Rule 26-4, the parties
10 state as follows:

11 **I. DISCOVERY COMPLETED BY THE PARTIES:**

12 Plaintiff made his initial Rule 26 disclosures on April 5, 2024. Plaintiff supplemented those
13 disclosures with a first supplement on October 4, 2024 and a second supplement on November 15,
14 2024. GEICO made its initial disclosures on April 17, 2024 and supplemented those disclosures
15 with a first supplement on October 4, 2024 and a second supplement on November 15, 2024.

16 Plaintiff propounded a first set of request for production of documents on July 8, 2024.
17 GEICO’s responses were served on August 14, 2024 per agreement of the parties. GEICO
18 propounded requests for production of documents, requests for admissions, and interrogatories on
19 August 22, 2024. Plaintiff responded to the requests for admissions on September 26, 2024, and to
20 the interrogatories and requests for production of documents on October 15, 2024, per agreement of
21

22 ¹ Plaintiff intends to separately request a further extension of the fact discovery deadline because
23 the District Court has not yet resolved or scheduled a hearing on Plaintiff’s motion for production
24 of the joint defense file maintained by Lewis Brisbois and Lewis Roca, and because the privileges
25 at issue in that motion also affect document discovery and what questions may or may not be
26 objected to at depositions on the basis of privilege To be absolutely clear, however, that will be a
distinct request from thus one. The instant request is based on scheduling issues, and is narrowly
tailored in scope to provide 30 more days for depositions.

JOINT MOTION FOR A 30-DAY
CONTINUANCE OF FACT DISCOVERY
CUT-OFF TO FACILITATE FACT
DEPOSITION SCHEDULING CONFLICTS
(SECOND DISCOVERY EXTENSION
REQUEST)
CASE NO. 2:24-cv-23-RFB-NJK

1 the parties. GEICO supplemented its responses to requests for production of documents on
2 November 4, 2024. Plaintiff propounded supplemental requests for production of documents to
3 GEICO, which are due on or before December 20, 2024.

4 GEICO disclosed two experts on October 2, 2024: Ed McKinnon, Esq. and Michael Lowry,
5 Esq. As noted below, The parties began scheduling depositions shortly after they responded to
6 reciprocal document requests. However, the parties have faced challenges in serving and scheduling
7 these depositions that merit a short discovery extension.

8 **II. DISCOVERY WHICH REMAINS TO BE COMPLETED:**

9 GEICO scheduled the deposition of percipient witness Markeia Stamps for December 19,
10 2024.

11 On November 20, 2024, GEICO noticed Plaintiff's deposition for December 6, 2024. (Dec.
12 of Jonathan Carlson, Esq., para. 2). However, on December 3, 2024, Plaintiff's counsel advised that
13 Plaintiff was no longer able to take that day off from work due to exhausting his paid time-off due
14 to the health of his infant child. (*Id.*) Plaintiff's counsel further advised that Plaintiff is unable to
15 appear at any deposition in December, because Plaintiff's paid time off will restart on December
16 29, 2024. (*Id.*) Plaintiff is available to be deposed in January. Plaintiff's counsel represented that
17 Plaintiff's employment is of vital importance to his compliance with his terms of parole. (*Id.*)²

18 On November 15, 16 (twice), and 17 GEICO attempted unsuccessfully to serve witness
19 Jerome Konell, Esq. on November 15, 16 (twice), and 17. (Dec. of Jonathan Carlson, Esq., para.
20 3). GEICO was finally able to subpoena Mr. Konell, on November 21, 2024 for his deposition on
21 December 12, 2024. Mr. Konell was personally served with the deposition subpoena in California
22 where he resides and practices law. (*Id.*) However, Mr. Konell then notified the parties that he is
23 not available on that date due to other obligations related to his legal practice in Los Angeles. (*Id.*)

24
25 ² GEICO has reserved its right to take Mr. Worthams' deposition in December in the event that the
26 Court denies this extension request and has offered to do so on a weekend date or evening.

JOINT MOTION FOR A 30-DAY
CONTINUANCE OF FACT DISCOVERY
CUT-OFF TO FACILITATE FACT
DEPOSITION SCHEDULING CONFLICTS
(SECOND DISCOVERY EXTENSION
REQUEST)
CASE NO. 2:24-cv-23-RFB-NJK

1 He asked that the deposition be moved to December 16, 2024. (*Id.*) GEICO renoticed the deposition
2 for that date, at which point Plaintiff's counsel alerted the parties that he is not available then. (*Id.*)
3 Plaintiff's counsel proposed December 19, 2024, however, upon inquiry, Mr. Konell is unavailable
4 then due to other obligations in his practice as a licensed attorney in California³. (*Id.*) The parties
5 are continuing to try and identify a date in December, but the parties believe there is mutual
6 availability in January to take this deposition.

7 Finally, on December 2 and 3, Plaintiff noticed three additional depositions for Dec. 18, 20,
8 and 27, for Michael Shirts, Esq., for out-of-state GEICO claims examiner, Chris Wilband, and for
9 McCormick Barstow attorney, Wade Hansard, Esq., respectively. Putting aside any objections,⁴
10 GEICO is willing to produce Mr. Wilband without a subpoena provided the date, time, and location
11 can be agreed upon, but the date Plaintiff proposes for Mr. Wilband's deposition, December 20,
12 2024, is not a date that GEICO's counsel is available. (Dec. of Jonathan Carlson, Esq., para. 4).

13 Additionally, GEICO has been trying to locate and serve Sherethea Everette for deposition
14 since November 12, 2024. (Dec. of Jonathan Carlson, Esq., para. 5). GEICO believes it has located
15 Ms. Everette in Texas and tried serving her as recently as November 29, 2024 but the process server
16 was unsuccessful.⁵ (Dec. of Jonathan Carlson, Esq., para. 5). GEICO hopes to successfully serve
17 Ms. Everette shortly, but challenges in finding out her location and how to serve her have created
18 delays.

19
20
21 ³ GEICO has reserved its right to take Mr. Konell's deposition in December in the event that the
22 Court denies this extension request and has offered to do so on a weekend date or evening.

23 ⁴ GEICO has objected to the validity of these notices as well as the propriety of deposing Mr. Shirts
24 and Mr. Hansard for privilege ground—but the parties are not asking the court to review the
25 propriety of any such objections, which hopefully they can resolve without court intervention.

26 ⁵ Plaintiff and Defendants reserve their right to timely object to any deposition on any relevant
27 ground. For purposes of this joint motion, the parties are just seeking to have a schedule that makes
28 it practicable to schedule these depositions notwithstanding any objection.

JOINT MOTION FOR A 30-DAY
CONTINUANCE OF FACT DISCOVERY
CUT-OFF TO FACILITATE FACT
DEPOSITION SCHEDULING CONFLICTS
(SECOND DISCOVERY EXTENSION
REQUEST)
CASE NO. 2:24-cv-23-RFB-NJK

1 **III. REASON WHY DISCOVERY WAS NOT SATISFIED OR COMPLETED WITHIN**
2 **THE TIME LIMIT SET BY THE DISCOVERY PLAN:**

3 The parties have been working diligently throughout the discovery process, including
4 discovery efforts in terms of disclosures and written discovery and the scheduling of depositions.
5 However, for the reasons set forth above in Section II, despite the parties' best efforts, unanticipated
6 scheduling issues have arisen that support a brief extension of thirty (30) days to conduct the
7 remaining discovery in this case.

8 **IV. GOOD CAUSE EXISTS TO GRANT THE REQUESTED EXTENSION**

9 The instant stipulation is submitted within the timeframe outlined by LR 26-3. The parties
10 made every effort to complete discovery in the current time frame. However, through no fault of
11 counsel, unanticipated scheduling issues have arisen that warrant a very brief extension of the
12 discovery cut-off date in this matter.

13 **V. THE CURRENT SCHEDULE FOR COMPLETION OF ALL REMAINING**
14 **DISCOVERY:**

15 The parties request that the pertinent discovery deadlines set forth in the Court's Scheduling
16 Order be continued as follows:

17 A. ESTIMATE OF TIME REQUIRED FOR DISCOVERY: Pursuant to Local Rule 26-
18 1(b)(1), and with the Court's approval, discovery shall be completed on or before **January 30, 2025**.

19 B. DISPOSITIVE MOTIONS: Unless otherwise stated herein, and the Court so orders,
20 the date for filing dispositive motions shall be thirty-two (32) days after the discovery cut-off date,
21 but not later than **March 3, 2025**.

22 ///

23 ///

24 ///

25 ///

JOINT MOTION FOR A 30-DAY
CONTINUANCE OF FACT DISCOVERY
CUT-OFF TO FACILITATE FACT
DEPOSITION SCHEDULING CONFLICTS
(SECOND DISCOVERY EXTENSION
REQUEST)
CASE NO. 2:24-cv-23-RFB-NJK

1 D. PRETRIAL ORDER: Unless otherwise stated herein, and the Court so orders, the
2 joint pretrial order shall be filed thirty (30) days after the date set for filing dispositive motions, but
3 not later than **April 2, 2025**.

4 DATED this 5th day of December, 2024

5 BOWEN LAW OFFICES

6 By /s/ Jerome R. Bowen
7 Jerome R. Bowen, Esq., Nevada Bar No. 4540
8 Attorneys for Plaintiff

9 DATED this 5th day of December, 2024

10 McCORMICK, BARSTOW, SHEPPARD,
11 WAYTE & CARRUTH LLP

12 By /s/ Jonathan W. Carlson
13 Jonathan W. Carlson, Esq., Nevada Bar No. 10536
14 Mandy Vogel, Esq., Nevada Bar No. 16150
15 Attorneys for Defendant GEICO CHOICE
16 INSURANCE COMPANY

17 **IT IS SO ORDERED.**

18 DATED this 6th _ day of December, 2024

19 
20 _____
21 UNITED STATES MAGISTRATE JUDGE

22 10662319.1